



December 20, 2004

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Federal Communications Commission
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Washington, D.C. 20554

Re: WC Docket No. 04-405

This is a detailed response to the Matter of the Petition of BellSouth Telecommunications, Inc. For Forbearance Under 47 U.S.C. §160(c) From Application of Computer Inquiry and Title II Common-Carriage Requirements.

There are about 2500 Independent Internet Services Providers in the US today. Many will not comment on these dockets for the following reasons:

- 1) do not know about the petitions
- 2) do not understand the petitions
- 3) feel that commenting to the FCC is futile
- 4) daunted by the whole process

Most consumers do not comment for the same reasons. Today, I will try to give them a voice.

"The Internet poses significant challenges for government policy makers and regulators."

This quote is from Barbara Esbin in an OPP Working Paper, Internet Over Cable: Defining the Future In Terms of the Past from 1998. It is true even today.

BellSouth petitions for forbearance on broadband. Let us call it what it is though – BellSouth is asking for unregulation of broadband transport facilities. BellSouth Telecommunications, Inc. sells transport; BellSouth Internet Group sells transit. Transit is already unregulated. Transport is regulated and tariffed – as it should be for a utility and natural monopoly.

BellSouth is asking the FCC to stop overseeing its telecommunications service offerings used primarily for broadband internet access. xDSL has uses other than internet access, such as a tele-worker connection to a corporate A/S 400 server to place customer orders or read a CRM application. BellSouth is asking for an OSI Layer 1 physical facility to be unregulated and removed from the tariff. This is a common carriage element no different than a phone line. For indiscriminate access, it must remain regulated.

Stan Wise, president of NARUC and a commissioner on Georgia's PUC, is quoted in Broadband Properties magazine (Nov., 2004, pg 48), "In Georgia, we unbundled the natural gas industry, which impacted the low income folks, and we are still paying for it eight years later." This is just one example of deregulation of a utility affecting the consumer for years.

The Airline industry was deregulated. While airline tickets are competitive, it has come at a cost to the consumer as time and again the government has had to bail out the industry with tax payers contributions. The bankruptcies will end up being paid for by consumers as well.

The ILECs (BOCs included) are a utility and own a natural monopoly. Utilities need to be regulated for the public good. From FCC-02-42A1, "The Communications Act of 1934, as

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amended ("the Act") gave the Commission extensive authority over all "common carriers," which the Act defined to include all persons "engaged as a common carrier for hire, in interstate and foreign communication." Title II of the Act requires, inter alia, "that common carriers provide service at just and reasonable prices, and subject to just and reasonable practices, classifications and regulations; that they make no unjust or unreasonable discrimination; that they file tariffs, subject to Commission scrutiny; and that they obtain Commission approval before acquiring or constructing new lines."

It is being asked that the Commission continue to regulate broadband telecommunication services (xDSL) for the public good.

Today's telecom industry resembles the environment of 1980 when the DOJ sued AT&T for anti-trust. Only today instead of one national monopoly, AT&T, we have 4 regional monopolies, which are in fact larger in market size than the original AT&T. The reasons for the DOJ action were the following:

- 1) the pricing and access strategies of AT&T were designed to destroy competition
- 2) the Incumbent carrier was deemed an unfair monopoly and detrimental to the telecom industry

Pricing Strategies

BellSouth currently offers retail pricing promotions on Fast Access® Internet Access via ADSL circuits at below the tariff rate. Fast Access® DSL Lite (256k x 128k – which by the Docket's definition is not considered Broadband speed) is \$9.95 and Fast Access® DSL Ultra (1.5Mx256k) is \$17.95.

(See website https://www.fastaccess.com/content/consumer/popups/savings_matrix.html).

The tariff rate for these ADSL circuits is \$20 and \$26, respectively. These are just the tariff rates for the ADSL circuit; it does not include the required ATM backbone, the internet bandwidth, nor the overhead, such as the \$3.50 per user it claims as an expense.

Every BOC has similar unfair pricing strategies.

With recent Commission decisions on FTTH, FTTC, UNE-P, etc. competition in the telecommunications space is being weakened. Now, with this docket, BellSouth is asking to all but eliminate the ISP industry.

The petition refers to "the transport component of their broadband services on a stand-alone basis" on page 1. BellSouth does not offer ADSL as a stand-alone product. Independent Internet Service Providers (ISPs) can only provision ADSL over a BellSouth wireline voice line (a local voice service). It is a bundled offering. Please note that many cable companies do not require additional service for cable modem service.

In its summary on page 2, BellSouth discusses that "wireline networks are not the exclusive or even the primary, means by which consumers obtain broadband access to the Internet."... "According to a Commission report issued just this June, more than 63% of residential and small-business customers received 200Kbps in one direction subscribe to cable modem, as opposed to just 34% that rely on wireline DSL."

History and technology

History and technology will explain why wireline DSL has only 34%. First, the technology of ADSL has an imposed limit of 18,000 feet from the DSLAM. ADSL must be on a "conditioned" copper pair; one without load coils, DLCs or DMALs, which are common occurrences in many areas. DSLAMs and mini or remote DSLAMs were needed to be deployed in Slicks or Remote terminals to get closer to the consumers, within the 18000 feet boundary. While ADSL technology, namely ADSL2 and ADSL+, is improving, these limitations have left wireline DSL behind in its ability to reach consumers.

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I would like to point out that the BOCs had xDSL technology for a long time before it was deployed. It was Northpoint, Rhythms, and Covad (the DLECs) that first deployed SDSL to small businesses, waking up the sleeping giant by attacking its highly profitable \$1200 T1 business.

VOIP technology has been in use by companies, such as ITXC, PopStar and AT&T for the calling card industry. VOIP was introduced to the consumer by Vonage, not by either of the duopolies, who have so recently jumped on the bandwagon.

History will tell you that the BOCs not only started rolling out ADSL later than cable modem, but continually used its ADSL roll-out as a political bargaining chip. Since 1999, the BOCs have promised again and again to deploy both xDSL and FTTH for state and federal backing. These politics are what has hurt our broadband deployment, not whether or not BOCs have to share the network.

On June 27, 2003 in the Clarion Ledger in Mississippi (<http://orig.clarionledger.com/news/0306/27/b01.html>), "BellSouth Corp. announced Thursday that it will extend its high-speed Internet service to every area of the state by year's end." It received big tax breaks for this. Yet, BellSouth did not close that digital divide even 18 months later. If the BOCs will not even deploy broadband for tax breaks, how is deregulation going to help? Deregulation meaning no one will be able to tell them what to do.

Moreover, Verizon is in litigation over its continued promise for broadband deployment in Pennsylvania. Promises it has never kept. Let us point out that had Verizon rolled out broadband as promised in 4Q04, Philadelphia would not be in a battle with Verizon over a proposed wireless project for the city. It is obvious that it CAN be done, but the duopoly needs to be mandated or pushed to do it. Both cable and ILEC have already been paid to deploy it.

Indeed, many municipalities have been stymied by the BOCs over muni fiber deployment or other broadband projects. The BOCs' actions have spoken very loud: the only digital divide it sees is one it owns and operates exclusively. This is detrimental to this country's economy. And who will pay for it? The consumer will pay, as always.

We are now, according to MSNBC (<http://www.msnbc.msn.com/id/5954229/>), 10th in the world in broadband. Will we continue to let the BOCs keep us in the digital dark?

It has been the delayed deployment as well as the technological limitations of ADSL that have resulted in wireline ADSL amassing a smaller market share than cable modems. No provisions of the TA96 have stymied these efforts.

More history

"However, Theodore Vail, the President of American Telegraph & Telephone (AT&T), sought to avoid competition by establishing a new principle: that of a natural monopoly. He argued that it would be unwise to allow competition in the deployment of telephone networks, and permit a number of independent telephone systems to develop in the same city, each competing with each other: both for customers and for space to string their wires. The idea he proposed--that of a natural monopoly or public utility--was that there should be only one telephone company and that, since it would be a monopoly, it would be regulated by the government in order to protect the consumer." (<http://www.ims.ccsu.edu/Tele.htm>)

PCA

While on page 3, BellSouth noted that "cable companies were engaging in negotiated private carriage arrangements (PCA) with ISPs" without mentioning that one of the only cable companies to offer PCA was Time Warner as a term of its merger with AOL.

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While discussing PCA, it is suggested that the Commission peruse BellSouth's RBAN contract. RBAN is an unregulated region wide ADSL transit network discussed in Eric Fogel's affidavit. RBAN might be an example of a negotiated private carriage arrangement to an ISP. The ISP would be locked into a rate throughout the contract term. The BOC could lower their rates to practically nothing or offer a bigger ISP like EarthLink a better deal.

Now with a tariff, every ISP is on a level playing field, even the BOC internet division has to pay for the DSL transport element at the same rate as any ISP. But under a PCA, it would be a return to 2000, when the BellSouth FCC Tariff for ADSL circuits was a tiered pricing approach that benefited the larger ISP unfairly over the smaller ISP. It was proven unfair in Kentucky, resulting in the current single rate tariff.

Also, what would be the recourse against the BOC under a PCA if there was discrimination? Civil litigation would be the only means of refuge.

The only reason to go to negotiated private carriage arrangements would be to unbalance the playing field. The BOC internet divisions already control 90+% of the wireline market share. Surely, having to file a tariff is not affecting its market share.

\$3.50

BellSouth on page 5 "estimated that it spent \$3.50 per customer per month in 2003 to comply with the Computer Inquiry obligations." According to Voice for Choices (<http://www.voicesforchoices.com/voices/media/bellsouth.pdf>), BellSouth paid \$175 Million in fines between March, 2001 and Dec., 2004. SBC, Qwest, and Verizon have paid even more fines than that. The fines are not being levied because the BOCs are operating a "fair and just" network. Every CLEC and ISP can recount incident after incident of the BOC's predatory practices; of "slamming" its broadband internet customer.

I was involved with a customer in SW Ranches, FL, who purchased a T1 Frame Relay circuit from an independent ISP for internet access. The ISP of course purchased the Frame Relay circuit from BellSouth. The circuit was in repair for 6 weeks. Bad pairs and load coils were a couple of the cited troubles by the technician. The Technician then told the consumer that if he purchased internet directly with BellSouth this would not have happened! I fail to see how that would be as the problem was entirely with the transport facility. So, I ask, was the consumer just a pawn in more games by BellSouth? This is just one incident. There are many, many others.

According to the figures contained in the affidavit from Eric Fogel, it costs BellSouth \$2.22 per user per month based on 1.9 million DSL subscribers. Perhaps, that \$3.50 per user per month can be looked at as the price of choice for the consumer.

Even with these added costs, the BOCs continue to retail their internet services via ADSL at close to wholesale rates.

The \$3.50 per user per month is the cost of the BOCs being allowed to sell enhanced services.

"Under the terms of the decree, the operating companies will provide exchange and local access service and may provide printed directory advertising and new customer premises equipment." That was 1982. Today, the BOCs have been given permission to provide both enhanced services (including information services) and long distance. Surely, those huge carrots are worth \$3.50.

Wireline versus Cable

From a business perspective, the BOCs should want to continue to help the ISPs as well as the CLECs sell services; both are aiding the BOCs in their competition with cable. For each

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subscriber to cable, BOCs do not make money. From each ISP and CLEC subscriber, the BOCs do actually make money; and some would argue more profit.

In fact, when an ISP sells internet services via ADSL circuits, the ISP is selling BOC voice services. The BOCs have effectively created a channel for selling its wireline voice service, since ISPs can NOT offer Naked DSL (that is, DSL on a non-voice copper pair). The ADSL is always bundled on the BOCs wireline voice service, something that cable does not do. Additionally, every wireline xDSL sale is one less power line or wireless sale.

On page 8, "As broadband has developed, it has become clear that wireline alternatives are not the exclusive or even the primary broadband transmission method". When you look at the statistics without the historic perspective, this may seem true. Yet broadband wireline facilities have been delayed in deployment, even as cable modem not only rolled out broadband internet services, but rolled out higher speed services. There are many reasons that wireline broadband services are behind, not the least of which is the expansion of fiber systems in place of copper in the forms of FTTC, FTTH, PON, DFITL, IFITL, DLC and DMAL. On that same page, BellSouth quotes 1999 statistics.

Statistics from ClickZ: "DSL subscriptions outpaced cable modem in the second quarter of 2004, but U.S. broadband growth is slowing down from a record-breaking year, according to figures from Leichtman Research Group, Inc."

(<http://www.clickz.com/stats/sectors/broadband/article.php/3396871>)

"DSL operators added nearly 900,000 new subscribers to the rolls in Q2 2004, compared to cable modem's 830,000. Cable modem maintains a 6.4 million subscriber lead in the U.S, with 61 percent of the market share."

(<http://www.clickz.com/stats/sectors/broadband/article.php/3396871>)

As long as the petition wants to include BPL and Wi-Max as proven technologies that are to be considered competitors with a whopping 1% of the market, let us examine wireless in the form of cellular.

Cellular must also be taken into account as SBC and BellSouth and Verizon have positioned their cellular (wireless) networks as another broadband offering. This type of offering was not mentioned in its petition. This service for the BOCs is an unregulated one. It has taken them until this year to make the move to 3G without any regulatory constraints. This service, as T-Mobile knows, will become huge, because Generation Y lives in the age of the handheld.

The BOCs have two Layer 1 facilities that are unregulated and unshared – cellular and fiber. The ISPs have only two Layer 1 facilities available to them: wireless that they deploy themselves and wireline broadband that they purchase from the tariff. Wi-Max (IEEE 802.16) is not a ratified standard yet and remains unproven as a last mile replacement technology in all areas.

On page 9, BellSouth discusses its price decreases to capture more market share - in the same docket that it expresses the added costs of regulation. This competition - all of the current and future competition - needs to continue as it is. Indeed, it should be regulated and mandated that the US Broadband services meet or exceed those of Korea and Japan. How else will America compete globally?

BellSouth has sought forbearance at the state level for broadband as well – in KY, SC and NC.

Another point comes from a recent Forbes article, "Though there are alternatives for high-speed access such as telephone line-based DSL, fixed wireless and satellite, an estimated 60 percent of high-speed Internet users subscribe to their cable company's service, according to recent studies. That has been harmful to independent Internet providers who lost customers to cable

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and large telephone companies. Consumers Union, the publisher of Consumer Reports magazine, said three-fourths of all independent ISPs have gone out of business in the past five years." (<http://www.forbes.com/work/feeds/ap/2004/12/03/ap1690580.html>)

As the Consumers Union has stated, "The Consumer Federation of America and Consumers Union charged the decision will curtail the ability of facilities-based competitors to access the fiber necessary to provide advanced services and result in higher prices and slower innovation."

"The cause of the failure of high speed adoption is clear; Americans are being overcharged by the cozy duopoly of cable and telephone companies. Cross national comparisons of price show that Americans pay fifteen to ten times as much, on a megabit basis, as consumers in Japan pay. Three years ago the price in America was three or four times as high."

FTTx

With the introduction of triple-play by cable companies, the BOCs will want to deploy fiber more than ever to offer similar services. As the "FCC Further Spurs Advanced Fiber Network Deployment" (Dkt No. 01-338, 03-235), the BOCs already have a mechanism for deploying broadband without sharing the network. Even without forbearance, I believe that the BOCs would have HAD to deploy fiber or risk losing even more customers to the cable companies.

Most assuredly, if the BOCs succeed in meeting their many promises for FTTx, CLECs will be without an avenue to the consumer, since even facilities-based CLECs need access to the copper pair from the ILEC. And as areas are deployed with FTTC, ISPs will have less access to the consumers as well. How does this help the consumer?

Let us not forget such endeavors as SBC's PRONTO project or Sprint's ION. Broadband promises that were not fulfilled.

As we have witnessed in many industries that have been deregulated - banking/finance, energy, airlines - Deregulation means that the consumer pays more.

Independent ISPs

Independent ISPs offer customers choice, flexibility and innovation. It is not the BOCs who have brought the internet to the masses but the independent ISP companies. On page 6, BellSouth states that Computer Inquiry and Title II are "inhibiting broadband innovation and deployment". Except for the \$3.50 per month, it was not stated how.

What innovation?

Delivering a 3Mbps by 384k pipe to consumers? Cable companies were already offering it. What innovation have the BOCs offered? Filtering, managed router, anti-spam, anti-virus, etc. were brought to the market first by independent ISPs. Dial-up internet access and web hosting were the bread-and-butter of the independent ISP long before the BOCs entered into the arena. The BOCs like many monopolies are copycats not innovators.

In the case of BellSouth, its e-Commerce imitative has always been with a partner like EDS (managed routers), Verio (hosting), or Qwest (collocation center). Even with partners, these services were dropped by BellSouth. How is that innovative? How is that the fault of TA96 requirements?

Independent ISPs tailor solutions to each customer. ISPs cannot be cookie cutters; inventiveness and out-of-the-box thinking are required to combat the predatory pricing of the ISPs supplier and competitor, the ILEC. This is a direct benefit to each and every small business and consumer.

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BellSouth Internet Group only offers PPP connections to its broadband network. Many independent ISPs still offer bridged connections to consumers. This is a secure way to connect to offices in the same LATA to share network resources. This PVC connection allows for lower latency, making for improved operation in a VOIP or VPN environment. BSIG moved away from the PVC architecture.

Independent ISPs offer training to teach consumers how to use the internet. Libraries, schools, rural areas and charities all benefit from the independent ISP, many of whom offer receive discounted or free access from them.

ISPs work with NASA, the DOD, open source projects, security concerns, and the like. These projects directly and indirectly benefit the consumer. Vint Cerf works for MCI not a BOC for a reason.

In the cell phone market, the innovation is coming from the CPE manufacturers (to sell more phones). It is not coming from the BOCs who own the network. The network to the BOCs is the pipe to the consumer to be controlled.

Most consumers want to know as much about the workings of telecom and the internet as they know about their car. If the consumer turns it on, it works – and does what it is supposed to do. Are the BOCs going to help bridge the digital divide? Most of the broadband penetration is in upper income areas. It will again be the independent ISP who brings affordable access to the information superhighway to anyone who wants it.

In today's age of always-on connections and Windows insecure operating systems, consumers are often overrun with malware, trojans, and virii. This influx of infected computers leads to harm for everyone connected to the internet through denial of service and spam attacks from these zombie machines. It is the independent ISP company that works with consumers to clean and prevent these maladies (spyware, virii, etc.).

Bobette Kyle said, "According to Digital Risk Specialists mi2g, SoBig alone was responsible for nearly 91% of the \$32.8 billion in economic damages caused by viruses and other system attacks." <http://www.websitemarketingplan.com/Arts/WormVirus.htm>

These incidents are growing. Cable and ILEC answer back with shutting off access to ports indiscriminately. This harms consumers. One day your Cisco VOIP phone works; the next day your cable company has closed port 62 and your phone cannot talk to the TFTP server, so it doesn't work.

This also leads to the question: If only the duopoly control access to the internet, won't they also control the content and what the consumer can use the broadband pipe for?

Vint Cerf works at MCI, not at a BOC.

Section 10

- 1) "not unjustly and unreasonably indiscriminatory"
- 2) "protection of consumers"
- 3) "public interest"

I will grant that in the short-term, prices will come down, like cell phone usage has, until the market saturates, then prices will rise if forbearance is granted.

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As pointed out earlier, there are many examples of the BOCs showing unjust and unreasonable discriminatory practices towards its customers (the ISPs) to the detriment of the consumer. When the BOC fights over the consumer with an ISP (while not fixing the circuit), who is losing? The consumer. This happens very often.

To protect the consumer, the BOC must continue to regulate any broadband transport elements.

The BOCs have already demonstrated that the public interest is not their concern by the following actions:

- 1) fighting municipal broadband initiatives
- 2) political gamesmanship about deployment without deploying
- 3) litigating, petitioning, lobbying, and getting fined in place of deploying what was agreed upon
- 4) letting the US slip from the number one internet economy to number 10

Choice is always preferred. Wasn't AT&T broken up to give consumers choice in LD? How is choice in internet providers any different today?

The largest companies offer competing products themselves. For example, Procter & Gamble owns Tide, Cheer, Gain, Downy, Bounce, Ivory Snow, Dreft, and Fabreze. All these items can be found in the laundry aisle of a supermarket.

Another example is car manufacturers like GM and Ford. Mercury, Lincoln, Jaguar and Ford models are similar. Chevy, Olds, Buick, Pontiac and Cadillac models are similar, including same chassis, engines, and powertrain.

What would the aisle look like if it was just Tide? What if Wal-Mart only allowed two brands of each item on its shelves – and one of them had to be its own brand? Would consumers still shop there? Some would due to the low pricing, but many would not (unless there was no where else to shop).

This is what is proposed for the internet. As it is, cable is like that – cable house brand or EarthLink. It is not in the public interest to leave the internet in the hands of two monopolies. The monopolies can offer a fat pipe to the internet for consumers, but not much else.

What if in New England, you could only buy cars from GM and in the South only from Ford. You have choice in the region but it depends how you define choice.

The cell phone manufacturers know that it has to sometimes create a new market to sell more products. Examples are video phones and Push-to-talk. This wasn't the BOCs cellular division asking for these features. Innovation comes from outside – and from direct competition.

Do you think the USA would have made it to the moon in 1969 if it didn't think the Soviets might get there first?

Telecom is a natural monopoly. Even the President of AT&T knew that it needed to be regulated to protect the consumer.

Additional Points

An interesting circumstance is that BellSouth invoices DSL transport circuits on a BOCRIS account instead of a CABS account. The understanding is that FCC circuits bill under CABS in order to preserve CPNI – in order to protect unaffiliated companies.

“The two-year delay in BellSouth’s ability to develop RBAN was due in large part to these kinds of regulatory burdens.” Some of that delay was probably due to the deployment of a new ATM architecture for the RBAN to ride on. BellSouth moved from a PVC based ATM network consisting of Cascade ATM switches to a PPP based Gateway system consisting of Nortel Shasta switches.

BellSouth’s petition states no one jumped on the RBAN, so how were consumers harmed? The only advantage to RBAN is the regional aggregation. Normally, the ISP would need an ATM Port or Gateway in each LATA. With RBAN, all the VCs are aggregated to one pipe at one POP.

Eric Fogel’s affidavit states that it took two years for ISPs to buy into the BBG (Gateway) architecture. Many ISPs had POPs too far from the CO containing the BBG switch. To migrate customer circuits from the PVC platform to the PPP platform is a huge undertaking due to CPE configurations, network equipment, and costs that BellSouth charges (transfer charges, early termination charges, and the like).

His affidavit also mentions “both a non-regulated and a regulated technician to effectively troubleshoot the end-user”. This only pertains to a Fast Access customer, who would have a Layer 1 technician as well as a FastAccess technical support person – no different than if they called an independent ISP. Isn’t that how it is supposed to be?

On Part 64 accounting: this needs to be examined closer. The BOCs bundle unregulated services all the time. For example, FL2004-157 - the BellSouth Answers Sweetener Bundle Offer provides customers with a cash-back incentive for subscribing to Complete Choice for Business and BellSouth Long Distance, Cingular Wireless, and/or FastAccess DSL. Under CPNI, cross-marketing of these products was a violation. This bundling is often deceptive to the consumer. When dial-up internet access is offered at \$4.99, the reality is the consumer bill goes up due to the upgrade from basic service to Complete Choice and BSLD (at 7 cents per minute).

BOCs are burdened with the \$3.50 surcharge and Part 64 accounting because they chose to enter the ISP business instead of just supplying plant to the ISPs. What have they in fact added to the industry other than lower the rates due to mass market economies of scale? Certainly, their mass market internet services like web hosting, Fast Access and dial-up are not a superior service to any that an independent ISP offers – just cheaper, even with the surcharge.

An additional item to point out is the cost to the BOCs of lobbying, litigating, and fines associated with discriminatory acts. I don’t see those figures to counter balance the regulatory costs – or is the lobbying and litigating included as a regulatory cost?

The BOCs complain about the costs of regulation, but they chose to enter new markets like LD and Internet. Now they want the deal changed. So do I. I want enforced regulation of TA96 and Computer Inquiry I,II,&III.

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“Deregulation should never be no regulation. Free markets are ever changing, and players are always devising new mischief. Government must remain vigilant of abuses and respond swiftly.” Consumer Union

According to FCC-02-42A1, “Broadband deployment is the central communications policy objective in America.” Then mandate that the BOCs and Cablecos deploy broadband by 3Q05 or face fines.

Municipalities understand that broadband access to information services is now a requirement to attract and keep businesses. Companies can no longer compete globally without broadband access. This directly impacts consumers as jobs are shifted overseas or to more technologically advanced areas of the country.

The duopoly has trudged along the digital divide, but has yet to fulfill its promises of bridging the chasm. Globalization of the economy shall continue. To compete effectively, the information superhighway needs to be available to everyone in America. The duopoly consists of publically traded companies that care more about stock options than helping American consumers compete.

If the Commission’s take is that deregulation will result in more broadband deployment, please examine states that have had broadband deregulation like KY and SC to see if deregulation has improved the broadband deployment. I think you will find that it has not.

Regards,

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